

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE : BANKRUPTCY NO. 08-11860  
ERIE COUNTY PLASTICS : CHAPTER 11  
CORPORATION, DEBTOR :  
ROBERT J. SMITH, Movant : DOCUMENT NO. 291  
vs. :  
ERIE COUNTY PLASTICS :  
CORPORATION, Respondent :  
:

**MEMORANDUM AND ORDER**

Before us is the AMENDED MOTION FOR RELIEF FROM THE AUTOMATIC STAY filed by Robert J. Smith against Erie County Plastics Corporation, seeking leave to proceed against the Debtor in the Court of Common Pleas of Erie County and before the United States Equal Employment Opportunity Commission.

Smith asserts that all of his claims against the Debtor are covered by Debtor's insurance policies, subject to a deductible amount of \$50,000.

Before this bankruptcy case was filed, Smith was represented by Attorney George Joseph and Attorney Paul Burroughs. Both attorneys are part of the Quinn Law Firm. The Quinn Law Firm is also the Debtor's lead counsel in this Chapter 11 proceeding. Smith was fully informed of this conflict of interest and waived any conflict of interest.

However, in order for Smith to have any access to the insurance coverage, he must first obtain a judgment in excess of \$50,000. Thus, the Quinn Law Firm will have as a primary interest, the obtaining of a large judgment (a judgment over \$50,000) against the Debtor and that will necessitate the existence of a valid proof of claim against the Debtor for the \$50,000. The Quinn Law Firm will represent both the plaintiff and the defendant.

It appearing to the Court that there exists a potential conflict of interest that will ripen into an actual conflict of interest if Smith is successful and that the Quinn Firm therefore cannot proceed to represent both the Debtor and Robert J. Smith. IT IS THEREFORE ORDERED that Counsel shall, within 10 days, advise the Court as to whether it will be the Debtor or Robert J. Smith who will obtain alternate counsel in the matters involving Robert J. Smith.

**FILED**

Dated: April 3rd, 2009 APR - 1 2009

CLERK, U.S. BANKRUPTCY COURT  
WEST. DIST. OF PENNSYLVANIA  
ERIE OFFICE

Warren W. Bentz

United States Bankruptcy Judge

**Movant shall serve a copy of this order on the interested parties and file a certificate of such service within five days.**